CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	 F	orce	$\overline{\mathbf{Q}}$	Discourt.	U.S.
Craig Anderson		Squad #10	201704713	 □ A	buse		O.L.	☐ Injury
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Incident Date(s)		Location of Incident:		Pre	ecinct:	18	Mo. SOL	EO SOL
Monday, 06/05/2017 2:35 AM					28	12	2/5/2018	12/5/2018
Date/Time CV Reported		CV Reported At:	How CV Reported:	: D	Date/Time Received at CCRB			
Mon, 06/05/2017 4:00 AM		IAB	Phone	M.	Ion, 06/12	2/201	7 4:36 PM	[
Complainant/Victim	Туре	Home Addre	ess					
Witness(es) Home Address								
Subject Officer(s)	Shield	TaxID	Command					
1. POM Konstantin Vithoulkas	07173	954410	HWY 01					
2. An officer			Unknown					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Billy Valerio	02511	932054	028 PCT					
2. POM Tony Piccirillo	05571	962013	028 PCT					
3. POM Michael Vuoso	12219	953543	HBXQ RT					
4. POM Bayan Gbonoi	06816	945751	026 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.POM Konstantin Vithoulkas	Discourtesy: At Henry Hudson Parkway and West 125th Street in Manhattan, Police Officer Konstantin Vithoulkas spoke discourteously to \$87(2)(b)							
B.POM Konstantin Vithoulkas	Force: At Henry Hudson Parkway and West 125th Street in Manhattan, Police Officer Konstantin Vithoulkas struck with a radio.							
C. An officer	Force: At against § 8	, an (87(2)(b) , an	officer used physica	al forc	e			

Case Summary

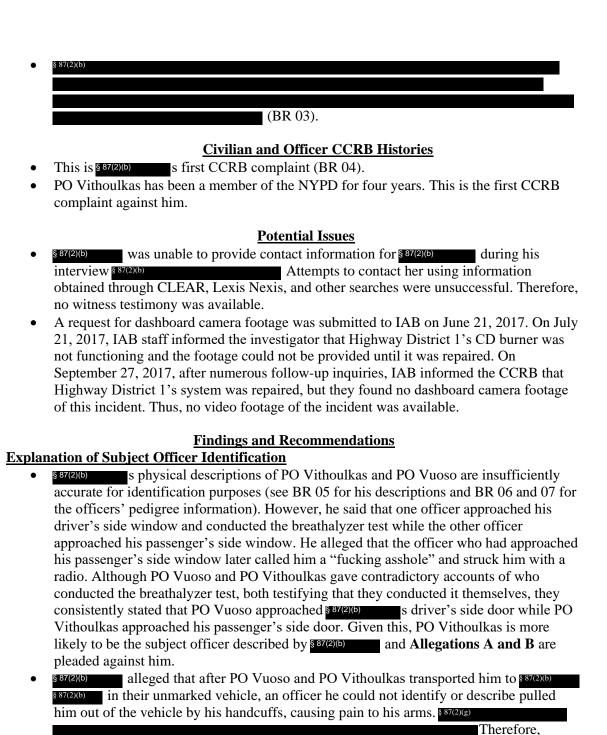
Lieutenant John Gazzola of Highway District 1 reported this incident to IAB by phone on June 5, complained of being injured while in police custody (BR 01). The CCRB received this case on June 12, 2017. This investigation exceeded the 90-day benchmark due to difficulties in obtaining dashboard camera footage, explained in the "Potential Issues" section. In the early morning of June 5, 2017, § 87(2)(b) was driving north on the Henry Hudson Parkway in Manhattan. His friend, \$87(2)(b) was in the front passenger seat and her two young children were in the back seat. They had just left a restaurant, where \$87(2)(b) beer. § 87(2)(5) denied being intoxicated and denied committing any traffic violations. At approximately 2:35 a.m., PO Michael Vuoso and PO Konstantin Vithoulkas of Highway District 1 pulled \$87(2)(b) over near the West 125th Street exit. The officers attempted to administer a breathalyzer test, but \$27(2)(5) did not produce enough breath to give a valid reading. The officers said they had to take him to the 28th Precinct stationhouse for additional testing. They handcuffed him and put him in the back seat of their unmarked vehicle. As they did this, PO Vithoulkas allegedly called § 87(2)(6) a "fucking asshole" and hit him twice in the right shin with a radio (Allegations A and B). said he was transported directly to \$87(2)(b) in the unmarked vehicle, where an unidentified officer allegedly pulled him out of the vehicle by his handcuffs, causing pain to his arms (Allegation C). PO Vuoso and PO Vithoulkas said \$87(2)(b) was behaving aggressively at the scene of arrest, so they called for a vehicle with a cage to transport him to the 28th Precinct. PO Billy Valerio and PO Tony Piccirillo of the 28th Precinct responded in a cage vehicle and transported § 87(2)(b) to the stationhouse, where he collapsed in the parking lot, claiming pain to his leg. The officers called an ambulance, which transported \$87(2)(b) to \$87(2)(b) Staff at § 87(2)(b) examined § 87(2)(b) s leg but found no significant injury. He was discharged, but officers brought him back to the hospital shortly afterward for a psychiatric evaluation, after he allegedly kicked PO Bayan Gbonoi of the 26th Precinct in the head while PO Gbonoi assisted PO Vuoso and PO Vithoulkas in putting §87(2)(b) in their police vehicle. was charged with assaulting an officer, driving while intoxicated, and numerous other violations (BR 02). § 87(2)(b)

There is no known video footage of this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) s arrest rendered this case unsuitable for mediation.
- As of October 12, 2017, no Notice of Claim has been filed with the Comptroller's office in relation to this incident.

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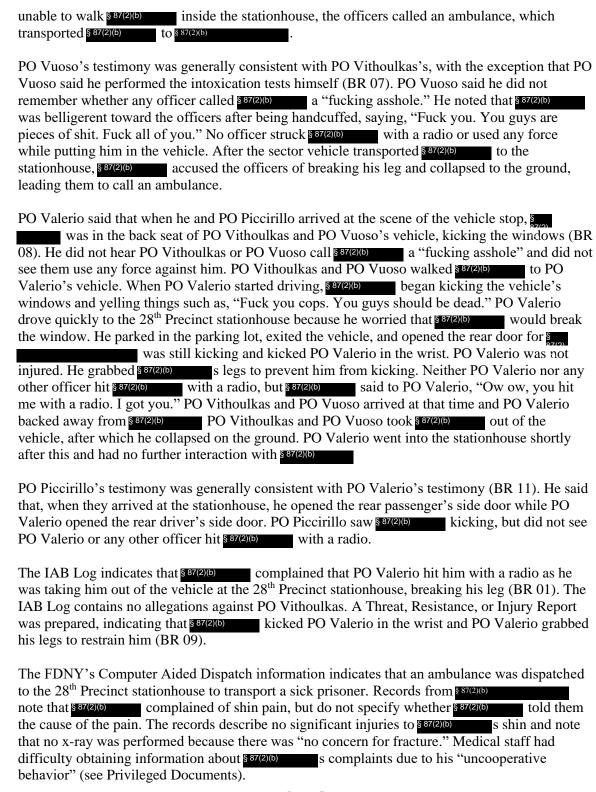
Allegations not pleaded

Allegation C is pleaded against "an officer."

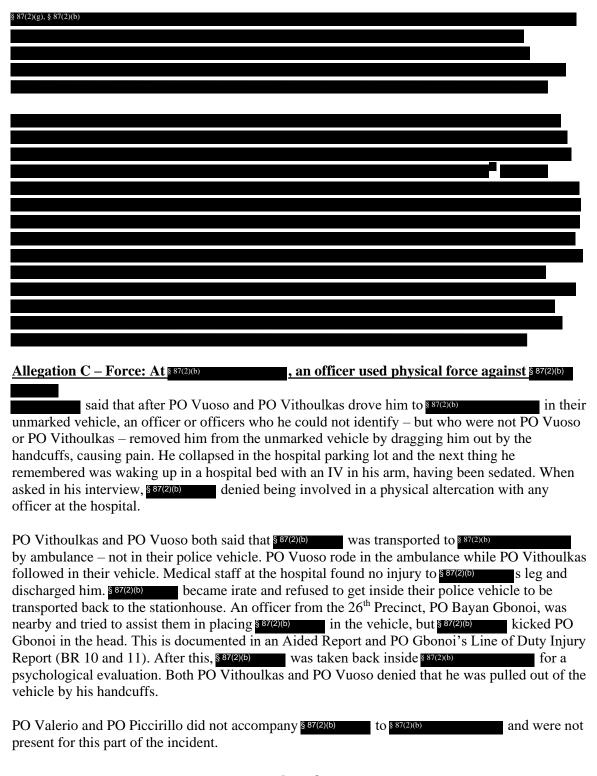
• **Vehicle Stop:** Because § 87(2)(b) was arrested for driving while intoxicated, no vehicle stop allegation is pleaded.

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Allegation A – Discourtesy: At Henry Hudson Parkway and West 125th Street in Manhattan, Police Officer Konstantin Vithoulkas spoke discourteously to §87(2)(5)						
Allegation B – Force: At Henry Hudson Parkway and West 125th Street in Manhattan,						
Police Officer Konstantin Vithoulkas struck \$87(2)(0) with a radio.						
In his CCRB interview, said that he was driving said traffic laws and her children home after leaving dinner, where he drank one beer (BR 05). He obeyed all traffic laws and denied being intoxicated. An unmarked police vehicle started following him on the Henry Hudson Parkway and pulled him over after he exited at West 125 th Street.						
An officer identified by the investigation as PO Vuoso approached \$87(2)(6) s driver's side and another officer, identified as PO Vithoulkas, approached his passenger's side. PO Vuoso requested \$87(2)(6) s license and registration, which he provided. PO Vuoso then said he smelled alcohol and asked \$87(2)(6) to step out of the vehicle. He administered a breathalyzer test, but the device would not give a reading; \$87(2)(6) believed this was due to a mechanical problem. \$87(2)(6) offered to walk in a straight line or take a different kind of test, but the officers said he had to go to the stationhouse and PO Vithoulkas put him in handcuffs.						
asked why he had to go to the stationhouse, but remained respectful and got in the officer's vehicle after they told him to. As \$87(2)(6) stepped into the vehicle, PO Vithoulkas called him a "fucking asshole" and struck him twice in the right shin with a radio. A marked vehicle arrived at that time, but \$87(2)(6) did not interact with those officers. PO Vuoso and PO Vithoulkas transported \$87(2)(6) directly to \$87(2)(6) in their unmarked vehicle. \$87(2)(6) said he did not go to the stationhouse first and was not transported in an ambulance at any time.						
PO Vithoulkas said that when he and PO Vuoso saw \$87(2)(b) also made unsafe lane changes and failed to signal lane changes. The officers pulled him over off the West 125 th Street exit. \$87(2)(b) was initially compliant. PO Vithoulkas administered a horizontal gaze nystagmus test, which indicated that \$87(2)(b) was intoxicated. He attempted to administer a breathalyzer test, but \$87(2)(b) repeatedly failed to exhale strongly enough for a valid test. PO Vuoso then handcuffed \$87(2)(b) with the intention of taking him to the 28 th Precinct stationhouse for additional testing. \$87(2)(b) became irate after being handcuffed and argued with the officers. They placed him in the back seat of their unmarked vehicle. Neither PO Vithoulkas nor PO Vithoulkas struck \$87(2)(b) with a radio or called him a "fucking asshole." Once inside the vehicle, \$87(2)(b) started kicking the windows, so the officers called for a vehicle with a cage to transport him. Two officers from the 28 th Precinct, known to the investigation as PO Billy Valerio and PO Tony Piccirillo, responded to their request and drove \$87(2)(b) to the stationhouse.						
PO Vithoulkas and PO Vuoso followed the 28 th Precinct officers to the stationhouse. When they arrived, PO Vithoulkas saw \$87(2)(b) s feet hanging out the door of the marked vehicle, with his upper body still on the back seat. PO Vithoulkas and the other officers tried to walk into the stationhouse, but \$87(2)(b) refused, saying that his leg hurt. \$87(2)(b) said one of the officers struck him, but he was unable to specify which officer did this. After they were						
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§ 87(2)(g), § 87(2)(b)							
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Sanadi 10							
Squad: 10							
Investigator:							
	Signature	Print	Date				
Squad Leader:							
•	Title/Signature	Print	Date				
Reviewer:							
IXC VIC WCI.	Title/Signature	Print	Date				

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